

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: RICKEYA MUTI) Case No. 16-11651-jps
) Chapter 13 Proceedings
Debtor(s)) Judge Jessica E. Price Smith

TRUSTEE'S MOTION TO DISMISS CASE

Now comes **LAUREN A. HELBLING**, the duly appointed, qualified and standing Chapter 13 Trustee (“Trustee”) herein, and hereby moves this Honorable Court to dismiss the case of the Debtor(s) pursuant to Sections 521, 704, 1302 and 1307 of the Bankruptcy Code for failure to cooperate with the Trustee. In support of this motion, the Trustee makes the following representations to the Court:

1. On May 6, 2019, an order was filed requiring the Debtor to appear for examination on May 29, 2019 at the U.S. Bankruptcy Court, pursuant to Bankruptcy Rule 2004. Debtor failed to appear at the hearing on May 29, 2019.

2. The Order further required the Debtor(s) to provide certain documents and records to the Trustee by May 20, 2019. As of the date of this pleading, one or more of the requested documents have not been provided to the Trustee.

3. Section 1307(c) of the Bankruptcy Code states that a Chapter 13 case may be dismissed for “cause.” While “cause” is not specifically defined, the Trustee believes that the failure of the Debtor(s) to cooperate, as required by Section 521(a)(3), and failure to appear for examination on May 29, 2019, has left the Trustee unable to fully investigate the financial affairs of the Debtor(s), which the Trustee is required to do by Sections 1302(b)(1) and 704(a)(4) of the Bankruptcy Code, and as a result, cause exists under Section 1307(c) of the Bankruptcy Code to dismiss the Debtor’s case.

4. Section 109(g)(1) of the Bankruptcy Code allows for dismissal of a case with a 180-day prohibition against refiling for willful failure of the debtor to abide by a court order. The Trustee believes that the Debtor’s failure to appear at the Bankruptcy Rule 2004 exam (and/or failure to provide requested documentation, if appropriate) constitutes a willful failure of the Debtor(s) to comply with a court order. Thus, a 180-day prohibition against refiling should be imposed on the Debtor(s) pursuant to Section 109(g)(1).

WHEREFORE, your Trustee, being a proper party in interest, hereby moves this Honorable Court to grant her motion and dismiss the case of the Debtor(s) and impose a 180-day prohibition against refiling for the reasons cited.

/s/ Lauren A. Helbling

LAUREN A. HELBLING (#0038934)

Chapter 13 Trustee

200 Public Square, Suite 3860

Cleveland, OH 44114-2321

Phone (216) 621-4268

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CERTIFICATE OF SERVICE

I certify that on July 12, 2019a true and correct copy of this Motion was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

PRO SE

And by regular U.S. mail, postage prepaid, on:

RICKEYA MUTI, Debtor(s), 5534 OAKWOOD AVE., MAPLE HEIGHTS, OH 44137

/s/ Lauren A. Helbling

LAUREN A. HELBLING

(#0038934)

Chapter 13 Trustee

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